

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA

EMILIA STRONG SYKES, et al., )  
                                  )  
                                  )  
Plaintiffs,                  )  
                                  ) CASE NO.: 3:06-CV-582  
                                  )  
vs.                            )  
                                  )  
BENJAMIN F. PAYTON,        )  
PETER SPEARS, MINNIE R. AUSTIN, )  
and TUSKEGEE UNIVERSITY,     )  
                                  )  
Defendants.                 )

**DEFENDANTS' MOTION TO STRIKE**

COME NOW the defendants, by and through their attorney of record and move the Court to strike the Plaintiffs' Amended Complaint on the following grounds:

1.       A responsive pleading had been filed in this matter before Plaintiffs' Amendment. That the plaintiff parties did not obtain leave of court before filing said amendment. Therefore, the amendment is due to be stricken.
2.       The parties had a hearing on July 12, 2006 at 9:00 a.m. before Judge Coody and the substantive matters discussed are among those that the plaintiffs attempt to cure. See Court Minutes. Therefore, the Amendment is due to be stricken.

WHEREFORE, Premises Considered, defendants move this Honorable Court to strike Plaintiffs' Amended Complaint.

Respectfully submitted,  
/s/Ernestine S. Sapp  
Ernestine S. Sapp – SAP 004

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Attorney for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on July 19, 2006, I electronically filed the foregoing **Defendants' Motion to Strike** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Percy Squire, Esq.  
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Respectfully submitted,

/s/Ernestine S. Sapp  
Ernestine S. Sapp – SAP 004

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